IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.80909-M of 2006

DATE OF DECISION: MARCH 1, 2007

Jitendra Kumar

...PETITIONER

VERSUS

State of Punjab and another

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.D.S.Sandhu, Advocate,
for the petitioner.
Mr.N.S.Gill, AAG, Punjab.

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The petitioner, who is husband of the complainant, apprehending his arrest in a non-bailable offence in case FIR No.334 dated 31.10.2006 registered under Sections 498-A/406/34 IPC at Police Station City Phagwara, District Kapurthala, has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

I have heard the counsel for the parties and gone through the contents of the FIR.

After notice of motion, on the statement of the counsel for the petitioner that there are chances of amicable settlement between the parties, the complainant was ordered to be impleaded as respondent No.2 and notice of this petition was also issued to her. Pursuant to the said notice, respondent No.2 also appeared in the Court. On January 16, 2007, counsel for the petitioner sought time to have an amicable settlement between the parties. Hence, the case was adjourned for amicable settlement and in the meanwhile, in view of the said stand taken by the petitioner, the interim anticipatory bail was granted to him.

The complainant, who is present in the Court, stated that the petitioner never contacted the complainant for amicable settlement. In view

of the stand taken by the petitioner in the Court, amicable settlement is not possible between the parties.

Counsel for the petitioner contends that the allegations against the petitioner are totally false and the allegations of harassment and beating have been levelled at Haridwar, therefore, the police at Phagwara has no jurisdiction to register the case.

On the other hand, counsel for the respondent-State submitted that the marriage of the petitioner with the complainant was solemnized at Phagwara and all the dowry articles were handed over to the accused at Phagwara, which they have refused to hand over to the complainant. It is further submitted that even when the petitioner came to Phagwara, he made the demand of dowry at Phagwara. Counsel contends that there are specific allegations against the petitioner for harassment to the effect that soon after the marriage (which took place on 18.11.2005), the petitioner and his family members started harassing the complainant for demand of dowry.

After hearing the counsel for the parties and going through the contents of the FIR as well as the order dated 19.12.2006 passed by the Sessions Judge, Kapurthala, and in view of the specific allegations of harassment and beating against the petitioner, the fact that interim anticipatory bail was granted to the petitioner in view of the stand taken by him for amicable settlement with the respondent-wife, which he has not taken so far, I do not find any ground to confirm the order dated January 16, 2007, whereby interim anticipatory bail was granted to the petitioner.

Dismissed.

March 1, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE